

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | | |
|---------------------------------------|--|---|---|
| Applicant's or agent's file reference | FOR FURTHER ACTION | | see Form PCT/ISA/220 as well as, where applicable, Item 5 below. |
| PR60552WO | International filing date (day/month/year) | (Earliest) Priority Date (day/month/year) | |
| International application No. | 21/10/2004 | 27/10/2003 | |
| PCT/US2004/034755 | | | |
| Applicant | | | |
| SMITHKLINE BEECHAM CORPORATION | | | |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. **Base of the report**

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐

With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒

Certain claims were found unsearchable (See Box II).

3. ☐

Unity of invention is lacking (see Box III).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 39.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. _____



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☐

none of the figures is to be published with the abstract.

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C07D265/32 A61K31/5375

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|-----------------------|
| A | WO 01/62257 A (SEPRACOR INC) 30 August 2001 (2001-08-30) Scheme 4 example 2 ----- | 1-31 |
| A | PELLISSIER H: "Dynamic kinetic resolution" TETRAHEDRON, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, vol. 59, no. 42, 13 October 2003 (2003-10-13), pages 8291-8327, XP004460928 ISSN: 0040-4020 page 8308, right-hand column - page 8313, right-hand column ----- | 1-31 |

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

1 March 2005

Date of mailing of the international search report

14/03/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax (+31-70) 340-3016

Authorized officer

Usueli, A

INTERNATIONAL SEARCH REPORT

international application No.
PCT/US2004/034755

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claim 30 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependant claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
|---|---|---------------------|----------------------------|---------------------|
| WO 0162257 | A | 30-08-2001 | US 6342496 B1 | 29-01-2002 |
| | | | US 6337328 B1 | 08-01-2002 |
| | | | AU 6926800 A | 03-09-2001 |
| | | | CA 2362361 A1 | 08-09-2000 |
| | | | CA 2400482 A1 | 30-08-2001 |
| | | | CZ 20022857 A3 | 14-01-2004 |
| | | | EP 1165086 A2 | 02-01-2002 |
| | | | EP 1259243 A2 | 27-11-2002 |
| | | | HU 0300030 A2 | 28-05-2003 |
| | | | JP 2004513061 T | 30-04-2004 |
| | | | JP 2003529563 T | 07-10-2003 |
| | | | PL 357389 A1 | 26-07-2004 |
| | | | WO 0162257 A2 | 30-08-2001 |
| | | | US 2002052340 A1 | 02-05-2002 |
| | | | US 2002052341 A1 | 02-05-2002 |